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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,792	12/12/2000	Corinne Saso	C6588(C)	5173

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PATENT DEPARTMENT
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EXAMINER

BUI, LUAN KIM

ART UNIT PAPER NUMBER

3728

DATE MAILED: 08/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary	Application No.	Applicant(s)	
	09/734,792	SASO ET AL.	
	Examiner	Art Unit	
	Luan K Bui	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 14,18,29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13,15-17 and 19-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4,8</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's election of Group I with traverse in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13, 15-17, 19, 21 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the phrase "two or more films on opposite film sides of said unit" is incomplete and indefinite. In claim 21, the phrase "said side zipper perforations" lacks proper antecedent basis. Claim 26 appears a double recitation of claim 21.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13, 15-17, 19, 22, 25 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Limousin (4,586,312) in view of Perdue (3,966,045). Limousin discloses a combination of two or more packages (10A-L) juxtaposed to form a unit and the unit is shrink wrapped in two or more films (41, 42) on film side with the film sides is on opposite sides of the

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unit. Limousin further discloses one of the films having a line of perforations (21, 22) and gripping apertures (Figures 1-4). Limousin also discloses the other claimed limitations except for at least one of the films being opaque and at least one of the films being clear. Perdue shows a combination of two or more articles (6) juxtaposed to form a unit and the unit is wrapped in two or more films (2, 5) with at least one of the films (2) is clear (column 4, line 16) and at least one of the films/metal foil (5) is opaque (column 4, lines 35-43) to prevent the articles from seeing through the metal foil. It would have been obvious to one having ordinary skill in the art in view of Perdue to modify the films of Limousin so the package comprises at least one of the films is opaque to prevent visual access to the articles and at least one of the films is clear to allow visual access to the articles.

6. Claims 20, 21, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Limousin (4,586,312). Limousin discloses a combination of two or more packages (10A-L) juxtaposed to form a unit and the unit is shrink wrapped in two or more films (41, 42) on film side with the film sides is on opposite sides of the unit. Limousin further discloses one of the films having a line of perforations (21, 22) and gripping apertures (Figures 1-4). To the extent that Limousin fails to disclose the gripping apertures being on opposite sides of the line of perforations in the film side, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the gripping apertures of Limousin so the gripping apertures are disposed on opposite sides of the line of perforations in the film side because the selection of the specific locations for the gripping apertures such as the gripping apertures are located as disclosed by Limousin or on opposite sides of the line of perforations in the film side

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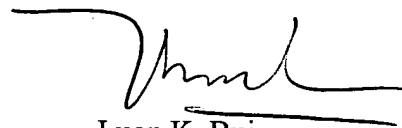
would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (703) 305-5861. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to TC 3700 Customer Service at (703) 306-5648. Also, any inquiry regarding the status of the application or status of the amendments either by mail or fax, etc... should be directed to TC 3700 Customer Service.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148. Facsimile correspondence for this application should be sent to (703) 872-9302 for Formal papers and (703) 872-9303 for After Final communications.

lkb
August 23, 2002



Luan K. Bui
Primary Examiner